

□ 1647

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HANSEN) at 4 o'clock and 47 minutes p.m.

# PRIVILEGES OF THE HOUSE— IMPEACHING KENNETH W. STARR

Mr. HASTINGS of Florida. Mr. Speaker, I rise to introduce a question of privilege pursuant to rule IX and call up House Resolution 545 for consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

## RESOLUTION

Impeaching Kenneth W. Starr, an independent counsel of the United States appointed pursuant to 28 United States Code § 593(b), of high crimes and misdemeanors.

Resolved that Kenneth W. Starr, an independent counsel of the United States of America, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate;

Articles of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of all the people of the United States of America, against Kenneth W. Starr, an independent counsel of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

## ARTICLE I

In his conduct of the office of independent counsel, Kenneth W. Starr has violated his oath and his statutory and constitutional duties as an officer of the United States and has acted in ways that were calculated to and that did usurp the sole power of impeachment that the Constitution of the United States vests exclusively in the House of Representatives and that were calculated to and did obstruct and impede the House of Representatives in the proper exercise of its sole power of impeachment. The acts by which Independent Counsel Starr violated his duties and attempted to and did usurp the sole power of impeachment and impede its proper exercise include:

(1) On September 9, 1998, Independent Counsel Kenneth W. Starr transmitted two copies of a "Referral to the United States House of Representatives pursuant to Title 28, United States Code, § 595(c)." As part of that Referral, Mr. Starr submitted a 445-page report (the "Starr Report") that included an extended narration and analysis of evidence presented to a grand jury and of other material and that specified the grounds upon which Mr. Starr had concluded that a duly elected President of the United States should be impeached by the House of Representatives. By submitting the Starr Report, Mr. Starr usurped the sole power of impeachment and impeded the House in the proper exercise of that power in various ways, including the following:

(a) In preparing the Starr Report, Mr. Starr misused the powers granted and violated the duties assigned independent counsel under the provisions of Title 28 of the United States Code. Section 595(c) does not authorize or require independent counsel to submit a report narrating and analyzing the evidence and identifying the specific grounds on which independent counsel believes the

House of Representatives should impeach the President of the United States. By submitting the Starr Report in the form he did, Mr. Starr misused his powers and preempted the proper exercise of the sole power of impeachment that the Constitution assigned to the House of Representatives. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States of America.

(b) In his preparation and submission of the Starr Report, Mr. Starr further misused his powers and violated his duties as independent counsel and arrogated unto himself and effectively preempted and undermined the proper exercise of power of impeachment that the Constitution allocated exclusively to the House of Representatives. Mr. Starr knew or should have known, and he acted to assure, that the House of Representatives would promptly release to the public any report that he transmitted to the House of Representatives under the authority of Section 595(c). With that knowledge, Mr. Starr prepared and transmitted a needlessly pornographic report calculated to inflame public opinion and to preclude the House of Representatives from following the procedures and observing the precedents it had established for the conduct of a bipartisan inquiry to determine whether a President of the United States had committed a high crime or misdemeanor in office meriting impeachment. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States.

(2) Independent Counsel Kenneth W. Starr further usurped and arrogated unto himself the powers that belong solely to the House of Representatives by using and threatening to use the subpoena powers of a federal grand jury to compel an incumbent President of the United States to testify before a federal grand jury as part of an investigation whose primary purpose had become and was the development of evidence that the President had committed high crimes and misdemeanors justifying his impeachment and removal from office. With respect to the President of the United States, the only means by which the holder of that office may be called to account for his conduct in office is through the exercise by the House of Representatives of the investigative powers that the constitutional assignment of the sole power of impeachment conferred upon it. Mr. Starr improperly used and manipulated the powers of the grand jury and his office to effectively impeach the President of the United States of America and to force the House of Representatives to ratify his decision. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States.

In all this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial, and removal from office.

## ARTICLE II

In his conduct of the office of independent counsel, Kenneth W. Starr violated the oath he took to support and defend the Constitution of the United States of America and his duties as an officer of the United States and acted in ways that were calculated to and that did unconstitutionally undermine the office of President of the United States and obstruct, impede, and impair the ability of an incumbent President of the United States to fully and effectively discharge the duties

and responsibilities of his office on behalf and for the benefit of the people of the United States of America, by whom he had been duly elected. The acts by which Mr. Starr violated his oath and his duties and undermined the office of President and obstructed, impeded, and impaired the ability of the incumbent President to fully and effectively discharge the duties of that office include:

(1) Mr. Starr unlawfully and improperly disclosed and authorized disclosures of grand jury material for the purpose of embarrassing the President of the United States and distracting him from and impairing his ability to execute the duties of the office to which the people of the United States had elected him. Mr. Starr has thereby committed high crimes and misdemeanors against the Constitution and people of the United States.

(2) Mr. Starr engaged in a wilful and persistent course of conduct that was calculated to and that did wrongfully demean, embarrass, and defame an incumbent President of the United States and that thereby undermined and impaired the President's ability to properly execute the duties of the office to which the people of the United States had elected him, including not only Mr. Starr's wrongful disclosures of grand jury material, but also other improper conduct, such as his actions and conduct calculated to suggest, without foundation, that the incumbent President had participated in preparing a so-called "talking points" outline to improperly influence the testimony of one or more persons scheduled to be deposed in a private civil action. By his wilful and persistent conduct in misrepresenting as well as improperly disclosing evidence that he had gathered, Mr. Starr committed high crimes and misdemeanors against the Constitution and the people of the United States of America.

(3) Mr. Starr intentionally, wilfully, and improperly embarrassed the people and the President of the United States by including in the Starr Report an unnecessary and improper and extended detailed, salacious, and pornographic narrative account of the consensual sexual encounters that a grand jury witness testified she had with the incumbent President of the United States. By including the unnecessary and improper pornographic narrative, Mr. Starr intended to and did undermine and imperil the ability of the President to conduct the foreign relations of United States of America and otherwise to execute the duties of the office to which the people of the United States had elected him, and he knowingly and improperly embarrassed the United States as a nation. By including that narrative, knowing and intending that it would be published and disseminated, Mr. Starr committed a high crime and misdemeanor against the Constitution and the people of the United States of America.

In all of this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial, and removal from office.

## ARTICLE III

In his conduct of the office of independent counsel, Kenneth W. Starr violated the oath he took to support and defend the Constitution of the United States of America and the duties he had assumed as an officer of the United States and acted in ways that were calculated to and that did unconstitutionally arrogate unto himself powers that the Constitution of the United States assigned

to the federal courts; that were calculated to and did undermine the institution of the grand jury established by the Constitution of the United States; and that were calculated to and did undermine and bring into disrepute the office of independent counsel and offices of all those charged with investigating and prosecuting crimes against the United States. The acts by which Mr. Starr violated his oath and his duties and by which he undermined the federal courts and the grand jury and undermined and demeaned the office and role of all federal prosecutors include:

(1) Mr. Starr disclosed and authorized and approved the disclosure and misuse of grand jury materials in violation of Rule 6(e)(2) of the Federal Rules of Criminal Procedure and with contempt for the federal courts and for the rights of those who appear before grand juries of the United States and of those who are subjects of grand jury investigations.

(2) Throughout his investigations, Mr. Starr abused the powers of his office and condoned the abuse of those powers to improperly intimidate and manipulate citizens of the United States who were interviewed or called to testify before a grand jury or who were actual or potential targets of his investigations and to deprive them of rights guaranteed to all citizens of the United States. Mr. Starr and subordinates for whose conduct he is responsible further abused and misused the powers of the office of independent counsel and the powers of the grand jury to improperly invade and needlessly intrude upon the privacy of individuals and to demean the rights guaranteed to all by the First and Fifth Amendments to the Constitution of the United States.

(3) Throughout his investigations, Mr. Starr has abused and misused and has authorized and approved the abuse and misuse of the powers of his office in ways that have demeaned the prosecutorial office and that have undermined and will undermine the ability of other prosecutorial officers of the United States to discharge their duty to take care that laws of the United States be faithfully executed.

(4) In his conduct of the office of the independent counsel, Mr. Starr has needlessly and unjustifiably expended and wasted funds of the United States. Over the past four years, Mr. Starr has expended more than forty million dollars (\$40,000,000) in a relentless pursuit of investigations and prosecutions that he knew or should have known did not merit and could not justify such extraordinary expenditures.

By the conduct described in this Article III of these Articles of Impeachment, Kenneth W. Starr committed high crimes and misdemeanors against the Constitution and the people of the United States of America.

In all of this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial, and removal from office.

#### ARTICLE IV

By his conduct as an officer of the United States of America, including the conduct described in Articles I through III of these Articles of Impeachment, Kenneth W. Starr has violated the oath he took to uphold and defend the Constitution of the United States of America. He has acted and persisted in acting in ways that were calculated to and did embarrass the United States and the people of the United States before the international community and that were calculated to and

did undermine the ability of the Legislative Branch, the Executive Branch, and the Judicial Branch to effectively exercise the powers and discharge the duties assigned to each by the Constitution of the United States of America. He has unconstitutionally and improperly exercised powers that were not his to exercise and has acted in ways that were calculated to and did improperly demean a President of the United States and diminish the capacity of the President to effectively discharge the duties that the people of the United States elected him to perform. He has unconstitutionally and improperly exercised his powers and has acted in ways that were calculated to and did demean the House of Representatives and that have effectively deprived the House of Representatives of its right to exercise its sole power of impeachment in a deliberate and bipartisan manner that was consistent with the procedures and precedents it had established in prior proceedings and inquiries to determine whether the President of the United States should be impeached. He has unlawfully and improperly exercised his powers in ways that demeaned the institution of the federal grand jury, that demonstrated contempt of the courts of the United States and the rules that govern their proceedings, and that demeaned the office of independent counsel and offices of all those charged with responsibility for seeing that the laws of the United States are faithfully executed. By his conduct as an independent counsel, Kenneth W. Starr has committed high crimes and misdemeanors against the Constitution and the people of the United States.

In all of this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial, and removal from office.

#### □ 1700

The SPEAKER pro tempore (Mr. HANSEN). The resolution constitutes a question of the privileges of the House under rule IX.

MOTION TO TABLE OFFERED BY MR. LAHOOD

Mr. LAHOOD. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. LAHOOD) to lay House Resolution 545 on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were— yeas 340, nays 71, not voting 23, as follows:

[Roll No 453]

YEAS—340

Abercrombie  
Aderholt  
Allen  
Archer  
Armey  
Bachus  
Baesler  
Baker  
Baldacci  
Ballenger

Barcia  
Barr  
Barrett (NE)  
Barrett (WI)  
Bartlett  
Barton  
Bass  
Bateman  
Becerra  
Bentsen

Bereuter  
Berman  
Berry  
Bilbray  
Bilirakis  
Bishop  
Blagojevich  
Bliley  
Blunt  
Boehlert

Boehner  
Bonilla  
Bono  
Borski  
Boswell  
Boucher  
Boyd  
Brady (TX)  
Bryant  
Bunning  
Burr  
Buyer  
Callahan  
Calvert  
Camp  
Campbell  
Canady  
Cannon  
Capps  
Cardin  
Castle  
Chabot  
Chambliss  
Chenoweth  
Christensen  
Clement  
Coble  
Collins  
Combest  
Condit  
Cook  
Cooksey  
Costello  
Cox  
Coyne  
Cramer  
Crane  
Crapo  
Cubin  
Cunningham  
Danner  
Davis (FL)  
Davis (VA)  
Deal  
DeGette  
Delahunt  
DeLauro  
DeLay  
Dickey  
Dicks  
Dingell  
Doggett  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
English  
Eshoo  
Etheridge  
Evans  
Everett  
Ewing  
Fawell  
Fazio  
Foley  
Forbes  
Fossella  
Fowler  
Fox  
Frank (MA)  
Franks (NJ)  
Frelinghuysen  
Gallegly  
Ganske  
Gejdenson  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Goode  
Goodlatte  
Goodling  
Granger  
Greenwood  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hamilton  
Hansen  
Harman  
Hastert  
Hastings (WA)

Hayworth  
Hefley  
Herger  
Hill  
Hilleary  
Hobson  
Hoekstra  
Holden  
Horn  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hutchinson  
Hyde  
Inglis  
Istook  
Jackson-Lee  
(TX)  
Jenkins  
John  
Johnson (CT)  
Johnson (WI)  
Johnson, Sam  
Jones  
Kasich  
Kelly  
Kennedy (MA)  
Kildee  
Kim  
Kind (WI)  
King (NY)  
Kingston  
Kleczka  
Klink  
Roukema  
Knollenberg  
Kolbe  
Kucinich  
LaFalce  
LaHood  
Lampson  
Lantos  
Largent  
Latham  
LaTourette  
Lazio  
Leach  
Levin  
Lewis (CA)  
Lewis (KY)  
Linder  
Lipinski  
Livingston  
LoBiondo  
Lowey  
Lucas  
Luther  
Maloney (CT)  
Manton  
Manzullo  
Markey  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDermott  
McGovern  
McHale  
McHugh  
McInnis  
McIntosh  
McIntyre  
McKeon  
McNulty  
Meehan  
Metcalf  
Mica  
Miller (CA)  
Miller (FL)  
Minge  
Moakley  
Mollohan  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Neal  
Nethercutt  
Neumann  
Ney  
Northup  
Norwood  
Nussle  
Obey  
Ortiz

Oxley  
Packard  
Pallone  
Pappas  
Parker  
Pascarell  
Paul  
Paxon  
Pease  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pickett  
Pitts  
Pombo  
Pomeroy  
Porter  
Portman  
Price (NC)  
Quinn  
Radanovich  
Ramstad  
Redmond  
Regula  
Reyes  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogan  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Rothman  
Klug  
Roybal-Allard  
Royce  
Ryun  
Salmon  
Sanchez  
Sandlin  
Sanford  
Sawyer  
Saxton  
Scarborough  
Schaefer, Dan  
Schaffer, Bob  
Sensenbrenner  
Serrano  
Sessions  
Shadegg  
Shays  
Sherman  
Shimkus  
Shuster  
Siskis  
Skaggs  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Smith, Adam  
Smith, Linda  
Snowbarger  
Snyder  
Solomon  
Souder  
Spence  
Spratt  
Stabenow  
Stark  
Stearns  
Stenholm  
Strickland  
Stump  
Stupak  
Sununu  
Talent  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Thomas  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tierney  
Trafilant  
Turner  
Upton  
Visclosky  
Walsh  
Wamp  
Watkins

Waxman  
Weldon (FL)  
Weldon (PA)  
Weller  
Weygand

White  
Whitfield  
Wicker  
Wilson  
Wise

Wolf  
Woolsey  
Young (AK)  
Young (FL)

□ 1730

**PRIVILEGES OF THE HOUSE—ORDERING IMMEDIATE PRINTING OF ENTIRE COMMUNICATION RECEIVED ON SEPTEMBER 9, 1998, FROM AN INDEPENDENT COUNSEL**

Mr. CONDIT. Mr. Speaker, I offer a resolution (H. Res. 546) and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. HANSEN). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 546

Whereas the entire communication of the Office of the Independent Counsel received by the House of Representatives on September 9, 1998, includes information of fundamental constitutional importance;

Whereas the American people have a right to receive and review this communication in its entirety;

Whereas the House Committee on the Judiciary has failed to make the entire communication available to the American people; and

Whereas failure to make the entire communication available to the American people raises a question of privilege affecting the dignity and integrity of the proceedings of the House under rule IX of the Rules of the House of Representatives: Now, therefore, be it

*Resolved*, That the entire communication received, including all appendices and related materials, on September 9, 1998, from an independent counsel, pursuant to section 595(c) of title 28, United States Code, shall be printed immediately as a document of the House of Representatives.

The SPEAKER pro tempore. Does any Member wish to be heard on the question of whether the resolution constitutes a question of privilege?

Mr. SOLOMON. Mr. Speaker, I wish to be heard on the question of whether the resolution offered by the gentleman from California constitutes a question of privilege.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized.

Mr. SOLOMON. Mr. Speaker, questions of privilege under rule IX are those affecting the rights of the House collectively, its safety, its dignity, and the integrity of its proceedings, and the rights, reputation, and the conduct of Members. A question of privilege, Mr. Speaker, may not be raised to effect a change in House rules.

Mr. Speaker, House Rule 525, which was adopted by the House on September 11 by a vote of 363 to 63, delegated the authority to review and release Independent Counsel Starr's report from the House to the Committee on the Judiciary.

The House delegated this authority to the Committee on the Judiciary as an exercise in its rule-making power. Mr. Speaker, the resolution offered by the gentleman from California (Mr. CONDIT) seeks to change the rule of the House as established in House Resolution 525. Therefore, Mr. Speaker, the gentleman's resolution does not con-

stitute a legitimate question of privilege.

Mr. Speaker, let me just cite line 15 of the resolution that passed the House. It says, "The balance of such material shall be deemed to have been received in executive session, but shall be released from the status on September 28, 1998, except as otherwise determined by the committee."

That is the rule of the House. Therefore, Mr. Speaker, the gentleman's resolution does not constitute a legitimate question of privilege in that change of House rule, and a privilege clearly is not in order.

The SPEAKER pro tempore. Are there other Members who want to be heard on this question?

Mr. DEUTSCH. Mr. Speaker, I wish to be heard.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I appreciate the comments of the distinguished chairman of the Committee on Rules regarding the standard of what privilege is. I would agree with him completely, that is the standard of what privilege is.

I would also say, though, that I believe this resolution clearly meets that standard, because what is going on right now in the Committee on the Judiciary with the selective release of information is clearly a disservice on this House, and is clearly putting this House in disrepute, which is exactly what the rules of the House in terms of our privileged resolution are set up to deal with.

I would say to the gentleman and to the Speaker that this resolution is clearly exactly why we have privileged resolutions in the House. What is happening right now in terms of the procedures of the Committee on the Judiciary, in terms of what has happened with the release of information, in the partisanship that has occurred within that committee, is absolutely putting this House into the type of situation, the type of disrespect that privileged resolutions are exactly in purpose for using.

I would urge the Speaker to rule this in order, and I urge its adoption.

Mr. CONDIT. Mr. Speaker, I want to speak to the resolution.

The SPEAKER pro tempore. The gentleman from California (Mr. CONDIT) is recognized.

Mr. CONDIT. Mr. Speaker, I understand the point of the chairman of the Committee on Rules. This is an attempt to allow all the Members of this House to have access to the information. It is an attempt to speed the process along so we can bring it to closure. The American people want us to bring this issue to closure.

There is no reason why every Member of this House cannot have that information. We are not grade school kids. We understand it, and we know ultimately we need to make a decision. So my intent, Mr. Speaker, is simply

## NAYS—71

Ackerman  
Andrews  
Blumenauer  
Bonior  
Brady (PA)  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Carson  
Clay  
Clayton  
Clyburn  
Conyers  
Cummings  
Davis (IL)  
DeFazio  
Deutsch  
Dixon  
Engel  
Farr  
Fattah  
Filner  
Ford  
Frost

Furse  
Gephardt  
Gordon  
Green  
Gutierrez  
Hastings (FL)  
Hefner  
Hilliard  
Hinchey  
Hinojosa  
Hooley  
Jackson (IL)  
Jefferson  
Johnson, E.B.  
Kanjorski  
Kennedy (RI)  
Kilpatrick  
Lee  
Lewis (GA)  
Martinez  
McKinney  
Meek (FL)  
Meeks (NY)  
Menendez

Millender-McDonald  
Mink  
Nadler  
Oberstar  
Olver  
Owens  
Pastor  
Payne  
Pelosi  
Rahall  
Rangel  
Rush  
Sabo  
Scott  
Slaughter  
Stokes  
Thompson  
Vento  
Waters  
Watt (NC)  
Wexler  
Wynn  
Yates

## NOT VOTING—23

Burton  
Coburn  
Diaz-Balart  
Ensign  
Gonzalez  
Goss  
Graham  
Hunter

Kaptur  
Kennelly  
Lofgren  
Maloney (NY)  
McDade  
Poshard  
Pryce (OH)  
Riggs

Sanders  
Schumer  
Shaw  
Torres  
Towns  
Velazquez  
Watts (OK)

□ 1724

Messrs. KIM, LINDER, BALDACCI, MCDERMOTT, LUTHER, SAWYER, ALLEN, COSTELLO and ROHR-ABACHER and Mrs. JOHNSON of Connecticut and Ms. SANCHEZ changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. ENSIGN. Mr. Speaker, on rollcall No. 453, I was detained due to mechanical difficulties on my flight back to Washington, D.C. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. GRAHAM. Mr. Speaker, on rollcall No. 453, I was in meetings with Members of Parliament from the U.K. and missed the vote. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Ms. LOFGREN. Mr. Speaker, I would like to note that on rollcall vote 453, I was absent because of the cancellation of the United flight from San Jose and the inability to rebook all the passengers.

Had I been present, I would have voted "aye."